IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 593 of 2001
With
SPECIAL CIVIL APPLICATION No. 595 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHETH PJR VORA TECHNICAL INSTITUTE - Petitioner(s)

Versus

HABSI MOHMEDRAFIQUE MOHSINMIYAN - Respondent(s)

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Appearance :
MR BJ TRIVEDI for Petitioner(s) : 1,MR JT TRIVEDI for Petitioner(s) : 1,
MR MB PARIKH for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI
Date : 07/10/2005

ORAL JUDGMENT

1.In these petitions, the petitioner Education Institute has challenged the Orders passed by the Controlling Authority and the Appellate Authority under the Payment of Gratuity Act. It is not seriously in dispute that by virtue of resolutions issued by the Government,

Educational Institutions are also covered under the provisions of Payment of Gratuity Act. It is also not in dispute that respective respondents were not teachers but engaged as peon and clerk respectively. Learned Advocate Shri Trivedi submitted that in view of the fact that there were not less than 10 persons engaged by the petitioner at the relevant time, the provisions of Payment of Gratuity Act would not apply. However, considering the small of the amount involved, without going to the question whether the petitioner institute employed more than 10 persons or not; in exercise of powers under Articles 226 and 227 of the Constitution of India, I do not find it a fit case for interference. It will be open for the petitioner to raise this contention, if need so arises.

2. In the present petitions, however, the orders passed by the authorities qua these respondents are upheld. Petitions are rejected. Rule discharged. No orders as to costs. The amounts deposited by the petitioner before the Controlling Authority shall be paid over to the respective respondents alongwith accrued interest.

(Akil Kureshi, J.)

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